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VIA ECF

Hon. P. Kevin Castel
United States Magistrate Judge
Southern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Bilal Smith v. Metropolitan Transportation Authority, et al.
1:22-cv-05081 (PKC)

Your Honor:

I am writing in response to the Court's June 27, 2022 Order regarding subject matter jurisdiction. Plaintiff is not making any claims arising under the United States Constitution, laws, treaties, 42 U.S.C. §1983 or other federal statute of the United States in this action. Plaintiff is not making any claim for "Monell" liability. To the extent that plaintiff is claiming "civil rights violations" they are based in New York State law and arise out of the torts of assault and battery. All other claims in the Complaint are pled under New York law. Plaintiff would be willing to sign a stipulation to this effect.

We thank the Court for its time and consideration.

Respectfully submitted,

Robert Mijuca

The well pleaded allegations of the Complaint do not allege or purport to allege a claim on which federal question jurisdiction could be based. Plaintiff

July 15, 2022 disclaims the assertion of any claim under the Constitution, laws or treaties of the United States.

Defendants, the removing parties, having been given the opportunity to respond, the action is

REMANDED To Supreme Court of the State of New York, Bronx County for

lack of subject matter jurisdiction.

SO ORDERED.

*USDC
8-17-22*

cc: VIA ECF
Steve S. Efron, Esq.